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# Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions*

**Addendum**

## Overview of activities undertaken by the mandate since 1 March 2017, including observations on communications transmitted between 1 March 2017 and 28 February 2018 and replies received between 1 May 2017 and 30 April 2018

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# Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Overview of activities undertaken by the mandate since 1 March 2017, including observations on communications transmitted between 1 March 2017 and 28 February 2018 and replies received between 1 May 2017 and 30 April 2018

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# I. Activities of the Special Rapporteur

1. The present report covers the main activities undertaken by the Special Rapporteur since 1 March 2017, including activities undertaken in preparation of her most recent thematic report on the unlawful death of refugees and migrants to the General Assembly (A/72/335). Information on earlier activities can be found in her previous report to the Human Rights Council (A/HRC/35/23).

## A. Country visits

2. The Special Rapporteur carried out official visits to the Republic of Iraq from 14 to 23 November 2017 (A/HRC/38/44/Add.1), and to El Salvador from 25 January to 5 February 2018 (A/HRC/38/44/Add.2), at the invitation of the respective Governments.

3. The Special Rapporteur sent requests for official visits to the Governments of Brazil, the Democratic Republic of the Congo, Libya, the United States of America, the Bolivarian Republic of Venezuela and the Syrian Arab Republic, and reminders to Pakistan, Nigeria, Kenya and the Republic of Yemen.[1] She welcomes the positive response received from Nigeria on 4 June 2018. She regrets that, at the time of submission of the present report, she had not received responses from the other aforementioned states.

4. She thanks the Government of Mozambique for responding positively during the reporting period to her request for a visit sent prior and encourages other Governments who have yet to respond to her requests to consider extending an invitation for a visit in the near future.

## B. Communications

5. Observations on communications sent between 1 March 2017 and 28 February 2018 and responses received from States and other actors between 1 May 2017 and 30 April 2018 are contained in section II of this report.

## C. Press releases

6. During the reporting period, the Special Rapporteur issued, alone or jointly, 51 press statements. They raised a variety of themes and country specific issues, including:

- The imposition of the death penalty – for crimes that do not meet the threshold of "most serious crimes", after trials that reportedly did not meet fair trial and due process standards, on child offenders and persons with psycho-social disabilities, as well as extraditions of persons to countries where they risk receiving the death penalty,
- Death threats against and attacks on media professionals, journalists and human rights defenders,
- Unlawful deaths and killings, including of migrants and refugees, LGBTI persons and women,
- State's failure to protect, including legislation,

[1] Libya transmitted on 11 October 2017; Bolivarian Republic of Venezuela and the Republic of Yemen transmitted on 17 May 2018; Syrian Arab Republic transmitted on 18 May 2018; the others on 20 March 2018.

- Excessive use of force by State agents, as part of anti-drugs operations, during arrest and in the context of protests.[2]

## D. Meetings and other activities

7. The Special Rapporteur also chaired, organized and/or participated in several meetings, conferences and other events, including:

- Interactive dialogue with the Government of Canada (6 to 7 April 2017, Ottowa),
- World Press Freedom Day event organized by UNESCO (2 to 4 May 2017, Jakarta, Indonesia),
- Policy Forum: Drug Issues, Different Perspectives (5 to 8 May 2017, Manila, Philippines),
- Multi-Stakeholder Consultation on the UN Plan of Action on the Safety of Journalists and the Issue of Impunity co-organized by OHCHR and UNESCO (29 June 2017, Geneva),
- Expert Seminar on integrating a Gender Perspective into the work of Special Procedures organized by the Geneva Academy (1 July 2017, Geneva),
- Expert Workshop on Witchcraft and Human Rights organized by the Independent Expert on the enjoyment of human rights by persons with albinism (21 to 22 September 2017, Geneva),
- UNODC and OHCHR launch of a resource book on the use of force and firearms in law enforcement (22 September 2017, Geneva),
- 2017 Dublin Platform on Human Rights Defenders (17 October 2017, Dublin, Ireland),
- Annual Conference of the International Bar Association, Panel Event on Extrajudicial Killing and State Policy (9 October 2017, Sidney, Australia),
- Roundtable discussion on the thematic report of the Special Rapporteur on the issue of the unlawful death of migrants and refugees (A/72/335), held in the margins of the seventy-second General Assembly and organized by the mandate (27 October 2017, New York),
- Global Compact on Migration preparatory meeting (4 to 6 December 2017, Puerto Vallarta, Mexico),
- Briefing for United Nations Security Council Member States on Iraq organized by the Kingdom of the Netherlands (20 February 2018, New York),
- Expert meeting on the draft treaty on crimes against humanity (12 March 2018, New York),
- Expert Meeting on large-scale DNA data crossing of missing migrants organized by EEAF (15 to 17 January 2018, Mexico City, Mexico),
- Expert panel on the accountability for killings of women and LGBTI persons during conflict, held in the margins of the Commission on the Status of Women, and organized by the mandate, co-sponsored by the Government of Finland, Office of the High Commissioner for Human Rights and City University of New York Law School (19 March 2018, New York),

[2] The full list of press statements issued can be found at: http://www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?MID=SR_Summ_Executions.

- Dialogue between the African Commission on Human and Peoples Rights, Inter-American Commission on Human Rights and United Nations Human Rights mechanisms on sexual orientation, gender identity and intersex (26 to 28 March 2018, Washington D.C., United States of America),

- Expert Drafting Group and Colloquium on the Rights of Missing and Dead Migrants and Refugees organized by Last Rights (10 to 11 May 2018, Lesvos, Greece),

- Working Group on Security and Human Rights, as part of the 25th anniversary celebration of the World Conference on Human Rights, organized by the Austrian Federal Ministry for Europe, Integration and Foreign Affairs, in cooperation with the Office of the United Nations High Commissioner for Human Rights, the City of Vienna and the Ludwig Boltzmann Institute of Human Rights (22 to 23 May 2018, Vienna, Austria),

- 2018 World Congress on Justice for Children: "Strengthening Justice Systems for Children: Challenges, including disengagement from violent extremism", participated as a member of the Committee of Honour (28 to 30 May 2018, Paris, France).

# II. Observations on communications

## A. Introduction

8. The present report contains observations by the Special Rapporteur on extrajudicial, summary or arbitrary executions on communications sent between 1 March 2017 and 28 February 2018 and responses received from States and other actors between 1 May 2017 and 30 April 2018. During the period under review, the Special Rapporteur sent 122 communications to 55 States and 3 other actors. Out of this total, 110 communications were sent jointly with other mandates, while 12 communications were sent by this mandate alone. Of all communications sent, 61 were urgent appeals, 50 were allegation letters and 11 were other letters.

9. In the present report, the Special Rapporteur offers her observations on the communications sent and the replies received during the reporting period as well as patterns observed. These observations are based on two tables detailing the correspondence sent and received during the period under review: Tabulation (A) in section III of the present report details cases transmitted and replies received to communications sent during the reporting period, and Tabulation (B) in section IV of the report details cases transmitted to States concerning alleged violations of death penalty safeguards

## B. Observations on all cases (Tabulation A)

### 1. Numbers of communications sent and replies received

10. The communication report of special procedures provides basic statistics with respect to the responsiveness of States overall to different mandates.[3] With respect to this mandate, the Special Rapporteur received responses to 75 out of 122 communications sent within the reporting period. She thanks all Governments who have replied to her communications for their cooperation. Forty-seven of the communications are yet to be responded to. In the same period, the Special Rapporteur also received replies to 6 previous communications, i.e. sent prior to the reporting period, for which she is grateful. This means the overall timely response rate for communications sent by this mandate is

[3] The communications reports of special procedures can be found here: http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

approximately 61 per cent. This rate is slightly lower than that of the system-wide reply rate for special procedures communications, which reached 68 per cent in 2017. However, it should be noted that some of the responses included in this number are purely procedural in nature.

11. During the reporting period, nearly three quarters of States replied to one or more of the communications addressed to them (39 out of 55). The Special Rapporteur would like to thank all States who have responded substantively and in a timely manner to all or some of the communications sent. The assessment of individual cases in which the Special Rapporteur has intervened is an essential part of her work. Government responses allow for a greater understanding of the cases, policies, and circumstances. The Governments of Bahrain, Ecuador, El Salvador, France, Hungary, Italy, Lebanon, Malaysia, Malta, Mauritania, Mongolia, Nicaragua, Saudi Arabia, Spain. Thailand, Togo, Uganda, the United Kingdom of Great Britain and Northern Ireland, Uruguay, the Bolivarian Republic of Venezuela and Viet Nam replied substantively (addressing all or some of the questions raised) and within the required deadline to all the communications addressed to them during the reporting period.

12. A number of States replied substantively to some of the communications sent to them. They include Afghanistan, Brazil, Colombia, Egypt, Guatemala, Honduras, Indonesia, the Islamic Republic of Iran, Iraq, Kenya, Mexico, Pakistan, the Philippines, Singapore, Turkey, the United Arab Emirates and the United States of America. A handful of States did not submit a timely reply to any of the communications transmitted to them, or have submitted merely an acknowledgement of receipt, including Cameroon, Chad, the Democratic Republic of the Congo, Haiti, India, Israel, Libya, the Maldives, Myanmar, Nepal, Peru, Romania, Russian Federation, South Africa, Sudan, Tunisia and Yemen. The responses from some of these States have arrived after the required deadline and for that reason fall outside the reporting period of the present report.

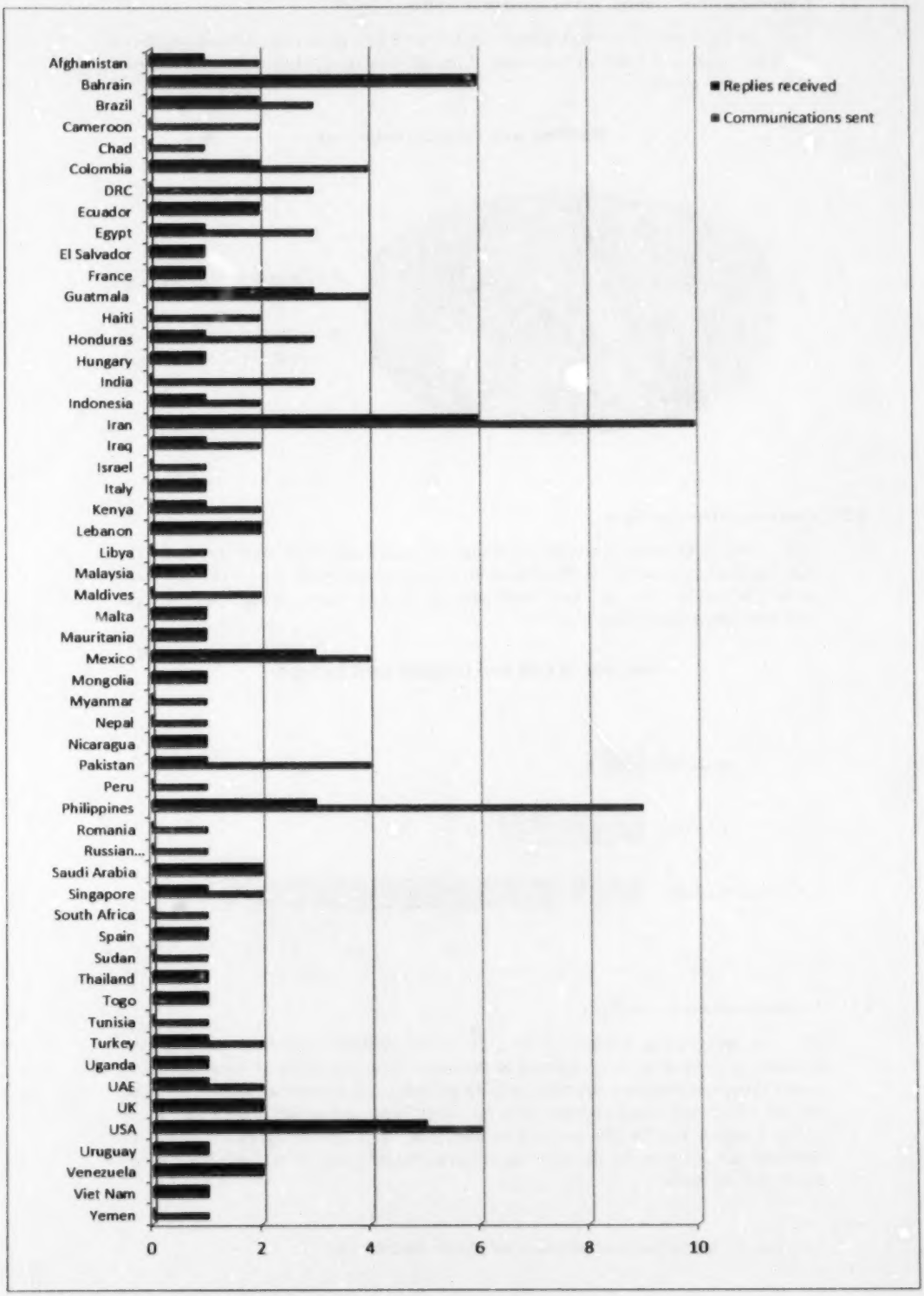
13. In its resolution 35/15, the Human Rights Council urged States "[t]o cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay". Therefore, the Special Rapporteur reiterates her appeal to all Governments to respond substantively to communications in a timely manner so as to assist and cooperate with her mandate efficiently in accordance with Human Rights Council resolution 35/15. In all instances where no substantive responses were received, the Special Rapporteur urges Governments to provide them as soon as possible.

14. During the reporting period, the Special Rapporteur also sent communications to three non-State actors including a corporation (Anglo-American), de facto authorities in Sana'a, Yemen, and the European Union. She thanks the European Union for the substantive response received and notes that an acknowledgement of receipt has been received from Anglo American.[4] She regrets that no response has been received from the de facto authorities in Sana'a,Yemen.

15. The following table reflects the number of communications sent to each State and the number of replies of a substantive nature received within the required deadline. Such replies comprise both substantive replies and replies that address some substantive issues. Acknowledgements of receipt are not considered as a reply for the purpose of this table, as they do not provide an effective response to the questions raised.[5]

[4] Substantive responses have also been received from Anglo American outside the reporting period.

[5] With the sole exception of the response received in relation to the letter transmitted to Mongolia on 14 August 2017 (case no. MNG 1/2017) since the purpose of this communication was to welcome the Government's decision to abolish the death penalty and did not request a response. Therefore, the acknowledgement or receipt received from Mongolia has been considered as a substantive response.


Afghanistan
Bahrain
Brazil
Cameroon
Chad
Colombia
DRC
Ecuador
Egypt
El Salvador
France
Guatmala
Haiti
Honduras
Hungary
India
Indonesia
Iran
Iraq
Israel
Italy
Kenya
Lebanon
Libya
Malaysia
Maldives
Malta
Mauritania
Mexico
Mongolia
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Nepal
Nicaragua
Pakistan
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Philippines
Romania
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Saudi Arabia
Singapore
South Africa
Spain
Sudan
Thailand
Togo
Tunisia
Turkey
Uganda
UAE
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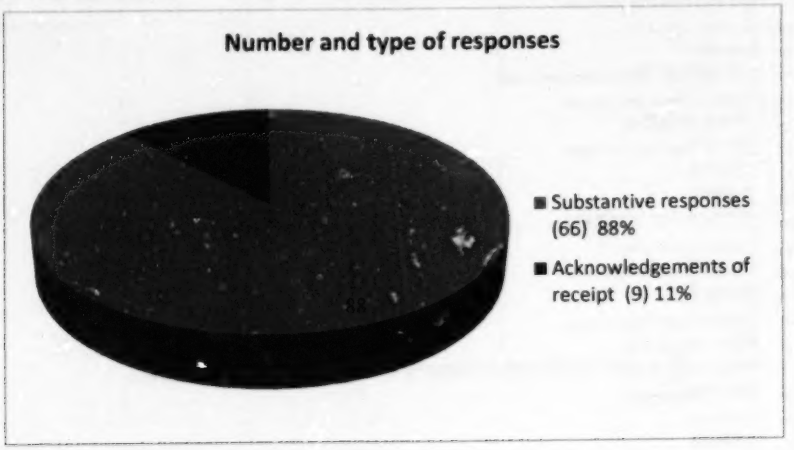
USA
Uruguay
Venezuela
Viet Nam
Yemen
0
2
4
6
8
10
Replies received
Communications sent

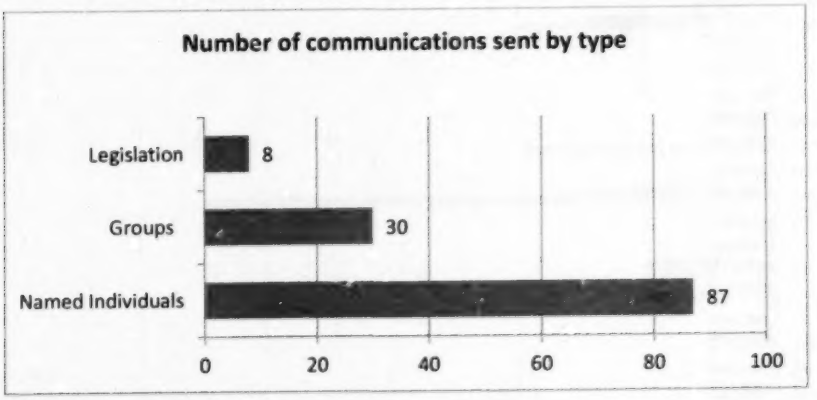
### 1.1 Communications transmitted to States and replies received

16. Of the responses received, a large majority were fully or partially substantive (66 out of 75 responses) and 9 acknowledgement of receipt were received that were not followed by a substantive reply.




### 1.2 Communications by types

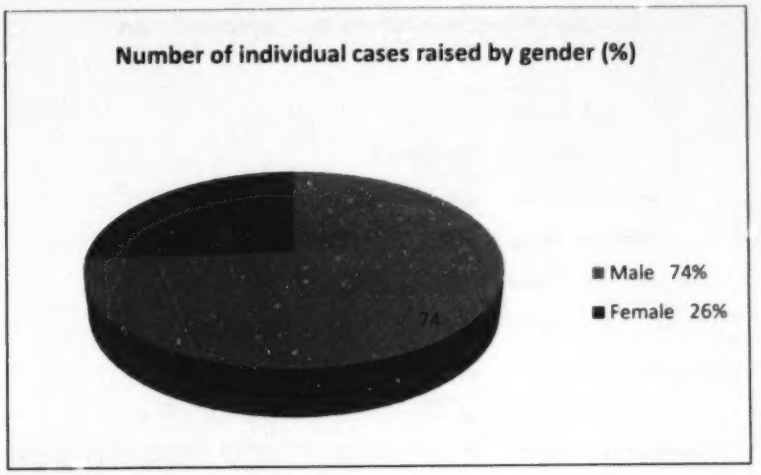
17. Overall, 87 communications concerning 439 named individuals were sent during the reporting period. In addition, 30 communications also addressed groups of individuals where the names of the individual alleged victims were unavailable.[6] Eight communications concerned legislation.




### 1.3 Communications by gender

18. As indicated in the table below, 76 communications concerned male victims, representing approximately 62 per cent of the communications, while 37 communications concerned female victims or approximately 30 per cent of all communications. In total, the cases of 325 named male individuals were raised (or 74 per cent of individual cases raised) and 114 named females (7[illegible] per cent of individual cases raised). However, numerous communications sent during the reporting period addressed groups of persons whose sex or gender was not known.

[6] Some communications addressed individuals and groups simultaneously.




### 1.4 Type of Violation

19. The main alleged violations covered by the communications transmitted during the reporting period were:

(a) Non-respect of international standards on safeguards and restrictions relating to the imposition of capital punishment ("Death penalty safeguards");

(b) Death threats and fear of imminent extrajudicial executions by State officials, paramilitary groups, or groups cooperating with or tolerated by the Government, as well as unidentified persons who may be linked to the categories mentioned above, when the Government is failing to take appropriate protection measures ("Death threats");

(c) Deaths in custody or custody like settings owing to torture, neglect, or the use of force, or fear of death in custody due to life-threatening conditions of detention ("Deaths in custody");

(d) Deaths due to the use of force by law enforcement officials or persons acting in direct or indirect compliance with the State, when the use of force is inconsistent with the criteria of absolute necessity and proportionality ("Excessive force");[7]

(e) Deaths due to attacks or killings by security forces of the State, or by paramilitary groups, death squads, or other private forces cooperating with or tolerated by the State ("Attacks or killings");

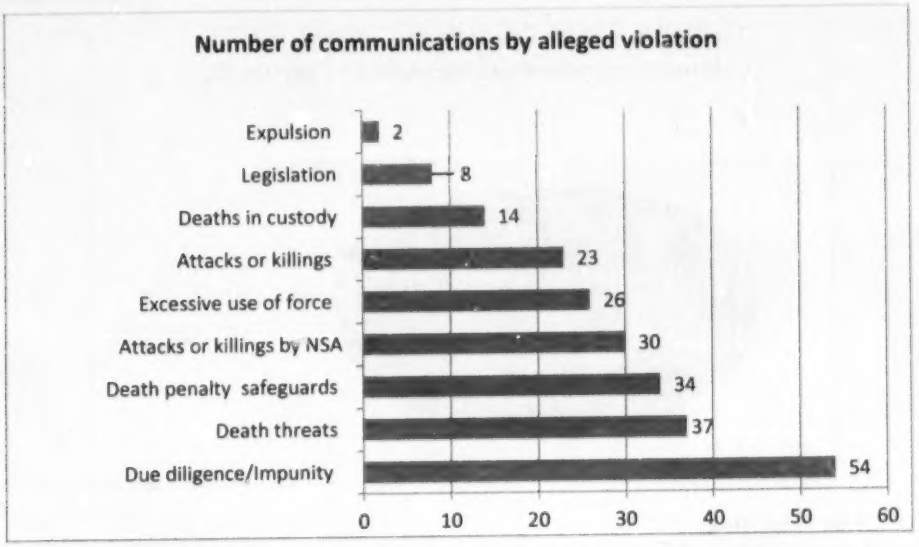
(f) Deaths due to attacks or killings by non-State actors not cooperated with or tolerated by the State or where there is no information on the affiliation of the perpetrators ("Attacks or killings by NSA");

(g) Expulsion, refoulement or return of persons to a country or a place where their lives are in danger ("Expulsion");

(h) Due diligence obligations of the State particularly with regards to attacks or killings by non-State actors; lack of investigation or accountability, leading to impunity, lack of compensation or concerns for the rights of victims ("Due diligence/impunity");

(i) Concerns about a legislative or policy framework ("Legislation").

[7] Where there is evidence of an intent to kill on the part of law enforcement officials in situations where there is clearly no justification for resort to lethal force, cases have been counted as attacks or killings.




20. The Special Rapporteur took up a high number of cases related to due diligence obligations, failure to conduct adequate investigations and impunity. The Special Rapporteur reminds States of their responsibility to exercise due diligence to prevent, punish and redress the harm caused by non-State actors. She further notes that a failure to investigate allegations of violations of the right to life and bring perpetrators of such violations to justice could in and of itself give rise to a separate violation of the right to life on the part of the State.[8] Such investigations are also vitally important for preventing a culture of impunity. She further highlights that the revised Minnesota Protocol[9] provides important guidance on practical steps to ensure investigations into potentially unlawful deaths are prompt, effective and thorough, and conducted with independence, impartiality and transparency as required by international human rights law standards.

21. Cases concerning death threats also feature prominently in the work of the Special Rapporteur, with a view to preventing possible extrajudicial killings. She highlights the responsibilities of States to provide, through judicial or other means, effective protection of individuals and groups who may be subject to extra-legal, arbitrary or summary executions, including those who receive death threats.

22. With regard to attacks or killings by non-State actors, the majority of these communications focused on killings of human rights defenders (HRD). Several communications dealt with patterns of killings, including by unknown assailants in the context of the "war on drugs," or of indigenous peoples. These cases can involve staggering numbers of alleged extrajudicial killings, with victims in some instances numbering in the hundreds or thousands. Another group of NSA victims highlighted by the Special Rapporteur are LGBTQI individuals. She calls on States facing patterns of killings by non-State actors to do more to ensure the protection of vulnerable individuals or groups

[8] See also Human Rights Committee, General Comment 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/21ev.1/Add.13, para. 15: "A failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant".

[9] The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016): The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions available at http://www.ohchr.org/EN/Issues/Executions/Pages/RevisionoftheUNManualPreventionExtraLegalArbitrary.aspx

in line with their due diligence obligations. Where it is alleged that State actors are participating in patterns of extrajudicial killings, she calls on States to take immediate steps to ensure their security forces are abiding by human rights law and standards and to investigate all cases, and bring perpetrators to justice.

23. Cases of excessive use of force also feature prominently in the submissions received and cases taken up. These cases frequently concern the management of assemblies,[10] particularly the use of firearms against protestors. Cases have also been raised in relation to the use of excessive force during the arrest or apprehension of suspects. The Special Rapporteur recalls the importance of the Code of Conduct for Law Enforcement Officials and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials in this context. She recalls in particular that intentional lethal use can only be resorted to when it is strictly unavoidable in order to protect life. She further highlights that, with regard to assemblies, the use of force by law enforcement officials should be exceptional, and assemblies should ordinarily be managed with no resort to force (A/HRC/31/66). A number of the communications concerned alleged excessive use of force in the context of the "war on drugs". In this regard, the Special Rapporteur reminds that the aforementioned standards continue to apply in cases of internal political instability or any other public emergency and underlines that an individual's use of drugs cannot constitute grounds for curtailing his or her rights. She notes that the Special Rapporteur on the right to health has observed that the "war-on-drugs" approach to drug not only fails to prevent health-related harms of drug use, but also fails to achieve genuine drug control (A/65/255). Furthermore, in the Outcome document unanimously adopted at 2016 Special Session of the General Assembly on the world drug problem in 2016, all Member States of the United Nations committed that drug programmes, strategies and policies must be implemented in accordance with States' human rights obligations and with a view to promote the protection of and respect for human rights and the dignity of all individuals (A/RES/S-30/1).

24. During the reporting period, the Special Rapporteur also sent communications to three non-State actors directly raising allegations of human rights violations related to due diligence/immunity, death threats and death penalty safeguards.

### 1.5 Groups addressed by communications

25. The graph below indicates the groups of people addressed in the communications sent by the Special Rapporteur by numbers of communications sent.

Over a quarter of communications addressed human rights defenders and were sent in conjunction with the Special Rapporteur on the situation of human rights defenders. The Special Rapporteur also continued to raise alleged violations of the right to life against journalists, bloggers and writers (in conjunction with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression).

26. The Special Rapporteur notes with serious concern that a number of submissions received and cases taken up concerned children. Many of these related to individuals who have been sentenced to death or executed for alleged crimes committed as children.[11] Other communications concerned attacks or killings or excessive use of force against children.

27. Five communications concerned refugees and migrants. Violations of the right to life of asylum seekers, refugees and migrants constitutes a crisis, characterized by mass casualties globally, a regime of impunity for its perpetrators and an overall tolerance for its fatalities, which needs urgent action. The Special Rapporteur calls on States,

[10] An "assembly", generally understood, is an intentional and temporary gathering in a private or public space for a specific purpose, and can take the form of demonstrations, meetings, strikes, processions, rallies or sit-ins with the purpose of voicing grievances and aspirations or facilitating celebrations (see A/HRC/20/27, para. 24, and A/HRC/31/66, para. 19).

[11] See paragraph 41 below.

intergovernmental organizations and other actors to implement the recommendations in her report on the subject (A/72/335).

## C. Observations on the death penalty and communications transmitted to States concerning alleged violations of safeguards (tabulation B)

28. Because of the urgency of the cases brought to her attention, the Special Rapporteur sends many communications concerning possible instances of the unlawful application of the death penalty. During the reporting period, the Special Rapporteur sent 34 communications on the death penalty to 16 States and one non-State actor.

29. In its resolution 35/15, the Human Rights Council requested the Special Rapporteur in carrying out her mandate "[t]o continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto." In this respect, the Special Rapporteur has included in tabulation B the status of individuals who were the subject of communications with regard to the application of the death penalty. She urges all States concerned to provide updated information on the status of the subjects of these urgent appeals.

30. The Special Rapporteur applauds those countries that have added their names to the list of States that have abolished the death penalty. Data for 2017 show an overall decrease in the use of the death penalty, as well as a fall in the number of States imposing the death sentence and carrying out executions.

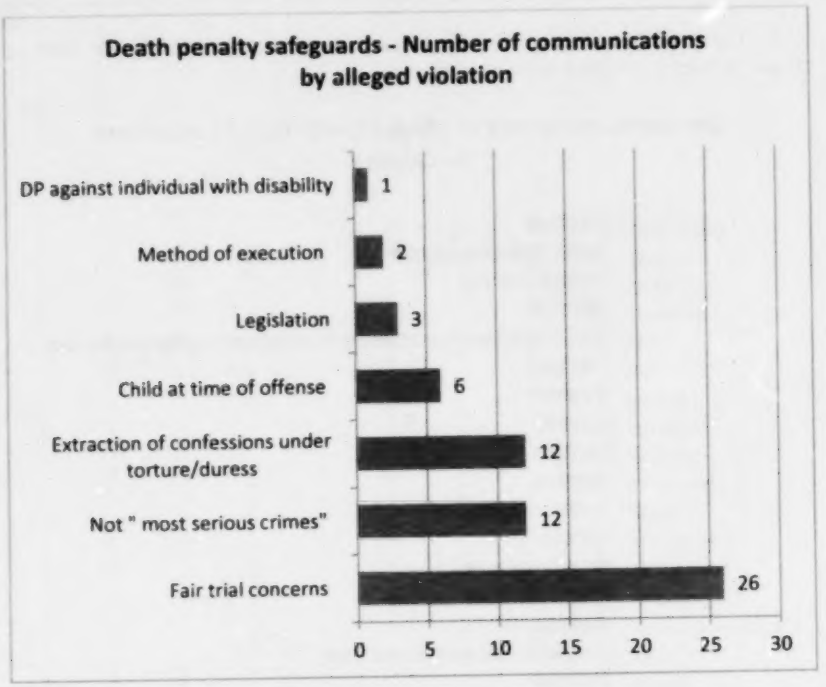
31. The Special Rapporteur is highly concerned that a minority of States resort to the death penalty in their anti-terrorism campaigns disregarding international law and standards for the imposition of the death penalty and the protection of the right to life in their quest to thwart a real or perceived threat posed by terrorism. In many cases brought to her attention, the death penalty is imposed for offences related to "terrorism" that do not involve intentional killing. She recalls that being affiliated with, being a member of, or simply supporting the causes of a group defined as "terrorist" under domestic law cannot be equated to having committed a heinous crime, let alone an intentional murder. Furthermore, there are a number of examples of journalists, human rights defenders and individuals calling for equal rights being sentenced to death under elastic definitions of "terrorism."

32. The Special Rapporteur is seriously concerned that some governments have resumed executions for terrorist-related offences after years of death penalty moratoriums and that several states have considered resuming executions or even re-introducing the death penalty after having abolished it. She reminds Member States that reintroducing the death penalty in countries that were de jure or de facto abolitionist runs contrary to the repeated resolutions by the United Nations General Assembly[12] calling on States that maintain the death penalty to progressively reduce its use, establish a moratorium, and for those that have abolished the death penalty, not to re-introduce it. Such a re-introduction is also contrary to article 6 (2) of the International Covenant on Civil and Political Rights (ICCPR), the Second Optional Protocol to the ICCPR for the states who have ratified it and runs contrary to international trends towards the progressive abolition of the death penalty.

[12] See for instance General Assembly resolution 71(187 (A/RES/71/187), resolution 69/186 (A/RES/69/186), resolution 67/176 (A/RES/67/176), resolution 65/206 (A/RES/65/206), resolution 63/168 (A/RES/63/168) and resolution 62/149 (A/RES/62/149).

33. The graph below reflects the number of communications sent to each State on alleged violations in relation to the death penalty.

34. As indicated in the table below, the main alleged violations regarding the imposition of the death penalty include: fair trial concerns in judicial procedures leading to the imposition of the death penalty (26); the imposition of the death penalty for crimes that do not meet the threshold of "most serious crimes" (12); extraction of confessions under torture/duress (12); sentencing to death or execution of an individual who was a child at time of alleged offense (6), concerns about a legislative or policy framework in relation to the death penalty (3), and use or proposed use of a method of execution which violates human rights standards (2).




35. The Special Rapporteur continues to be alarmed at the number of cases in which the death sentence was allegedly imposed following judicial procedures that fall short of international standards of fair trial and due process, a necessary requirement for the lawful imposition of this type of punishment. Twenty-six out of the 34 communications considered in Tabulation (B) address this issue (76%). The Special Rapporteur wishes to remind States that have retained this form of punishment that the death penalty may only be carried out following a legal process that provides all possible safeguards to ensure a fair trial, and that only full respect of these guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution.

36. The Special Rapporteur recalls that the implementation of the death penalty may amount to an arbitrary execution if there is evidence that it was imposed as a result of systemic biases in the judicial process, from the investigation to sentencing. Evidence indicates that the death penalty disproportionately affects people living in poverty, for a number of reasons, including the high cost of legal advice, fees and associated costs, the lack of adequate legal aid for the poor, corruption, unfamiliarity with the laws and procedures; insufficient knowledge of the language in which proceedings are conducted. Poverty further compounds the obstacles faced by certain groups who already face inherent discrimination due to their gender, ethnicity, race, or migration status.

37. The Special Rapporteur also recalls that women are often sentenced to death against a backdrop of gender-based violence, and long-term abuse, and because of judicial biases, including the failure of the Courts to recognise persistent domestic violence as grounds of self-defence.

38. She is also concerned that in ten communications sent to States, the conviction of the defendant relied upon confessions extracted under torture or duress. The extraction of confessions under torture and the acceptance of such confessions as evidence of guilt constitute flagrant violations of both the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

39. The Special Rapporteur re-iterates her concerns that again during this reporting period, several communications addressed the imposition of the death penalty for offences that do not meet the threshold of "most serious crime", in particular for drug offenses. In this regard, the Special Rapporteur would like to reiterate that under international law, the death penalty may only be imposed for the "most serious crimes", which has been interpreted to mean "intentional killing". Drug related offences do not involve killing, much less intentional killing, and as such may not constitute the basis of any sentence to death. She further recalls that "victimless offences [...] including treason, espionage or other vaguely defined acts usually described as 'crimes against the State'" do not meet the "most serious crimes" threshold (E/CN.4/2001/9 para. 83).

40. The Special Rapporteur has also sent a number of communications on individuals convicted for crimes committed when they were children (seven communications). The Special Rapporteur underlines that the death penalty cannot be imposed on individuals who were under 18 at the time of the commission of the alleged offence (regardless of their age at the time of sentencing or of execution). Furthermore, the burden of proof should be placed on the prosecution to demonstrate that a defendant was an adult at the time of the commission of the alleged crime.

41. Two communications sent during the reporting period concerned an alleged violation in the method of execution. She highlights that the longstanding position of the United Nations Human Rights Committee is that imposition of the death penalty in a manner that is contrary to another provision of the ICCPR also violates article 6. Thus, failure to respect article 7 by imposing the death penalty in a manner that constitutes torture or cruel, inhuman or degrading treatment would inevitably render the execution arbitrary in nature and be in violation of article 6.

42. The Special Rapporteur would like to restate, as did her predecessors, that any death sentence implemented in contravention of any Government's international obligations is tantamount to an arbitrary execution.

43. She also wishes to reiterate that there is no evidence that the death penalty deters crime more than other forms of punishment would and encourages retentionist States to consider an official moratorium on the death penalty with a view to its full abolition.

# III. Tabulation (A) of cases transmitted and replies received to communications sent during the reporting period

44. In Tabulation (A) all communications have been grouped by country, with countries listed alphabetically according to their names in English. The electronic version of the present document has each communication sent and reply received hyperlinked, and clicking on them will open the communication sent and the reply from the concerned State, respectively, as uploaded on the OHCHR website. All communications are also available in the Special Procedures communication reports.

45. Each communication is referenced as urgent appeal (UA), allegation letter (AL), joint urgent appeal (JUA) and joint allegation letter (JAL). This is followed by the date when the communication was issued, as well as the case number and, when applicable, the State's reply.

## A. Violations alleged

46. In Tabulation (A) on communications and replies, the violations are classified into the following categories, using the short versions in parentheses (see paragraph 19 above for the full definitions).

## B. Character of replies received

47. The replies received have been classified according to the following six categories designed to assist the Human Rights Council in its task of evaluating the responses received to the communications sent within the reporting period and the effectiveness of the mandate:

(a) "No response" denotes the absence of a response to a communication sent within the reporting period;

(b) "Acknowledgement of receipt" refers to a reply acknowledging receipt that the communication was received and/or that it has been transmitted to the relevant State authorities;

(c) "Substantive response" denotes a reply that is fully or partially responsive to the allegations and/or that substantively clarifies the facts. It does not, however, imply that the action taken necessarily complies with international human rights law.

(d) "Translation awaited" indicates that a response has been received, but has not yet been translated by the relevant services of the United Nations.

## C. Tabulation (A)

| *Country* | *Type of communication** | *Date and case* | *Subjects concerned* | *Reply and type of reply* | *Violations alleged* |
|---|---|---|---|---|---|
| Afghanistan | UA | 02 Jun 2017 (AFG 1/2017) | Group of 11 individuals | Substantive response 18 Apr 2018 | Death penalty safeguards |
| Afghanistan | JUA | 15 Jan 2018 (AFG 1/2018) | 5 males | No response | Expulsion |
| Bahrain | JUA | 27 Mar 2017 (BHR 4/2017) | 1 male (HRD) | Substantive response 24 Apr 2017 | Death threats |
| Bahrain | JAL | 22 May 2017 (BHR 5/2017) | 1 female individual; 6 male individuals; group of individuals (protestors) | Substantive response 20 Jul 2017 | Death penalty safeguards; death threats; excessive force |
| Bahrain | JUA | 09 Jun 2017 (BHR 6/2017) | 5 male individuals and group of protestors | Substantive response 06 Jul 2017 | Excessive force |
| Bahrain | JUA | 01 Dec 2017 (BHR 12/2017) | 1 male | Substantive response 13 Dec 2017 | Deaths in custody |
| Bahrain | JUA | 07 Feb 2018 (BHR 1/2018) | 3 males (protestor) | Substantive response 06 Mar 2018 | Death penalty safeguards |
| Bahrain | JUA | 14 Feb 2018 (BHR 2/2018) | 1 male (protestor) | Substantive response 13 Mar 2018 | Death penalty safeguards |
| Brazil | JAL | 03 Aug 2017 (BRA 6/2017) | 1 female; 10 male (HRD) | Substantive response 23 Mar 2018 | Attacks or killings; attacks or killings by NSA; death threats; due diligence/impunity |
| Brazil | JAL | 30 Aug 2017 (BRA 7/2017) | 2 females; 3 males (children) | No response | Attacks or killings |
| Brazil | JAL | 20 Nov 2017 (BRA | 2 females; 4 males (HRDs) | Substantive response 23 Mar 2018 | Attacks or killings by NSA; death threats |

* Type of Communication: UA: Urgent Appeal; JUA: Joint Urgent Appeal; AL: Letter of Allegation; JAL: Joint Letter of Allegation.

| | | | | | |
|---|---|---|---|---|---|
| | | 10/2017) | | | |
| Cameroon | JAL | 26 Oct 2017 (CMR 5/2017) | 2 females (HRDs – including LGBTI rights) | No response | Attacks or killings by NSA; death threats; due diligence/impunity |
| Cameroon | JUA | 10 Nov 2017 (CMR 4/2017) | Group of individuals (protestors) | No response | Excessive force |
| Chad | JAL | 02 Aug 2017 (TCD 2/2017) | Group of individuals | No response | Due diligence/impunity |
| Colombia | JUA | 20 Jun 2017 (COL 3/2017) | 1 male; 1 female (HRDs) | Substantive response 19 Jul 2017 | Attacks or killings by NSA; death threats; due diligence/impunity |
| Colombia | JAL | 19 Oct 2017 (COL 4/2017) | 2 females; 2 males (HRDs) | No response | Attacks or killings by NSA; death threats; Due diligence/impunity |
| Colombia | JUA | 01 Feb 2018 (COL 1/2018) | 1 male (HRD) | No response | Attacks or killings by NSA; death threats; Due diligence/impunity |
| Colombia | JUA | 15 Feb 2018 (COL 2/2018) | 1 male (HRD) | Substantive response 06 Apr 2018 | Attacks or killings by NSA; Death threats; Due diligence/Impunity |
| Democratic Republic of the Congo | JAL | 05 May 2017 (COD 1/2017) | 1 female individual; 2 male individuals; group of individuals (HRDs) | No response | Attacks or killings; attacks and killings by NSA |
| Democratic Republic of the Congo | JAL | 25 Jan 2018 (COD 1/2018) | 2 males (indigenous) | No response | Attacks or killings |
| Democratic Republic of the Congo | JUA | 27 Feb 2018 (COD 3/2018) | 2 males (HRD) and group of protestors | No response | Death threats; excessive force |
| Ecuador | JAL | 24 Jul 2017 (ECU 1/2017) | 1 female (political activist/politician) | Acknowledgement of receipt 25 Jul 2017; Substantive response 22 Sep 2017 | Death threats |
| Ecuador | JAL | 03 Nov 2017 (ECU 2/2017) | 2 females (HRD) | Acknowledgement of receipt 16 Nov 2017; Substantive response 03 Jan 2018; Annex to substantive response 03 | Attacks or killings by NSA; death threats; due diligence/impunity |

| | | | | | |
|---|---|---|---|---|---|
| | | | | Jan 2018 | |
| Egypt | JUA | 15 Jun 2017 (EGY 8/2017) | 6 males | Substantive response 23 Aug 2017 | Death penalty safeguards |
| Egypt | JUA | 12 Jan 2018 (EGY 2/2018) | 1 female; 5 males | No response | Death penalty safeguards |
| Egypt | JAL | 01 Feb 2018 (EGY 3/2018) | 6 males | No response | Attacks or killings; deaths in custody; due diligence/impunity |
| El Salvador | JAL | 26 May 2017 (SLV 2/2017) | 4 female (HRD, LGBTI) | Substantive response 21 Jul 2017; Acknowledgement of receipt 21 Jul 2017 | Attacks or killings by NSA; death threats; due diligence/investigations |
| France | JUA | 08 May 2017 (FRA 3/2017) | 1 male (HRD) | Substantive response 15 May 2017 | Death threats |
| Guatemala | JAL | 23 Mar 2017 (GTM 2/2017) | Group of 40 female children | Acknowledgement of receipt 01 Jun 2017; Substantive response 01 Jun 2017 | Deaths in custody; due diligence/impunity |
| Guatemala | JUA | 12 Jul 2017 (GTM 4/2017) | 1 male | No response | Death threats |
| Guatemala | JAL | 13 Dec 2017 (GTM 7/2017) | 1 male (trade unionist) | Substantive response 15 Feb 2018 | Attacks or killings by NSA; due diligence/impunity |
| Guatemala | JAL | 01 Feb 2018 (GTM 1/2018) | 1 male (HRD, indigenous) | Substantive response 09 Apr 2018 | Attacks or killings by NSA; due diligence/impunity |
| Haiti | JAL | 16 Mar 2017 (HTI 3/2017) | Group of prisoners | No response | Deaths in custody |
| Haiti | JAL | 12 Jan 2018 (HTI 5/2017) | Group of prisoners | Acknowledgement of receipt 31 Jan 2018 | Deaths in custody |
| Honduras | JAL | 17 May 2017 (HND 4/2017) | 1 female (HRD, indigenous) | No response | Attacks or killings by NSA; due diligence/impunity |
| Honduras | JAL | 10 Jul 2017 (HND 5/2017) | 1 female (HRD, LGBTI) | No response | Attacks or killings by NSA; death threats; due diligence/impunity |
| Honduras | JUA | 03 Aug 2017 (HND 6/2017) | 1 male (HRD – LGBTI rights) | Substantive response 25 Oct 2017 | Attacks or killings by NSA; death threats; due diligence/impunity |
| Hungary | JUA | 14 Jul 2017 | Group of individuals | Substantive response 29 | Deaths in custody |

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|---|---|---|---|---|---|
| | | (HUN 4/2017) | (persons with disabilities) | Aug 2017 | |
| India | JUA | 28 Jul 2017 (IND 6/2017) | Group of 10 individuals | No response | Attacks or killings by NSA; due diligence/impunity |
| India | JUA | 11 Sep 2017 IND 11/2017 | 1 female (HRD, journalist) | No response | Attacks or killings by NSA; due-diligence/impunity |
| India | JAL | 18 Sep 2017 (IND 10/2017) | 1 female and 19 males (children, protestors) | No response | Attacks or killings; due diligence/impunity; excessive force |
| Indonesia | JAL | 17 Mar 2017 (IDN 1/2017) | 1 male (indigenous) | Acknowledgement of receipt 22 Mar 2017 | Deaths in custody; excessive force; |
| Indonesia | JAL | 29 Sep 2017 (IDN 7/2017) | Group of individuals ( persons of African descent) | Substantive response 10 Oct 2017 | Death penalty safeguards |
| Iran (Islamic Republic of) | JUA | 04 Apr 2017 (IRN 11/2017) | 1 female | Substantive response 08 Aug 2017; another Substantive response 15 Mar 2018 | Death penalty safeguards |
| Iran (Islamic Republic of) | JUA | 11 Apr 2017 (IRN 12/2017) | 1 male | Substantive response 31 Jul 2017 | Death penalty safeguards |
| Iran (Islamic Republic of) | JUA | 18 Apr 2017 (IRN 16/2017) | 2 males (children) | No response | Death penalty safeguards |
| Iran (Islamic Republic of) | JUA | 14 Jun 2017 (IRN 21/2017) | 1 female and group of individuals | Substantive response 11 Aug 2017; Substantive response 11 Sep 2017 | Attack or killings; due diligence/impunity |
| Iran (Islamic Republic of) | JUA | 09 Aug 2017 (IRN 22/2017) | 1 male (child) | Substantive response 10 Oct 2017 | Death penalty safeguards |
| Iran (Islamic Republic of) | JUA | 17 Oct 2017 (IRN 28/2017) | 1 male (child) | No response | Death penalty safeguards |
| Iran (Islamic Republic of) | JUA | 13 Nov 2017 (IRN 30/2017) | 1 male | No response | Death penalty safeguards |
| Iran (Islamic Republic of) | JUA | 4 Jan 2018 (IRN 1/2018) | Group of 21 protestors (Children) | Substantive response 15 Jan 2018 | Excessive force |
| Iran (Islamic Republic of) | JUA | 16 Jan 2018 (IRN 2/2018) | 1 male (child) | No response | Death penalty safeguards |
| Iran (Islamic Republic | JUA | 20 Feb 2018 | 1 male | Substantive response 15 | Death penalty safeguards |

| | | | | | |
|---|---|---|---|---|---|
| of) | | (IRN 5/2018) | | Mar 2018 | |
| Iraq | JAL | 15 Mar 2017 (IRQ 1/2017) | 1 male (journalist) | Substantive response 26 Jan 2018 | Attacks or killings by NSA; death threats; due diligence/impunity |
| Iraq | UA | 12 May 2017 (IRQ 2/2017) | 3 males | No response | Death penalty safeguards |
| Israel | JAL | 18 Jan 2018 (ISR 4/2018) | 3 males (child, individual with disabilities, protestor) | No response | Attacks or killings; due-diligence/impunity; excessive force |
| Italy | OL | 08 Aug 2017 (ITA 3/2017) | Group of migrants | Substantive response 16 Oct 2017 | Due diligence/impunity |
| Kenya | JAL | 11 Jul 2017 (KEN 9/2017) | Group of individuals | No response | Attacks or killings; excessive force |
| Kenya | JUA | 12 Oct 2017 (KEN 13/2017) | Group of protestors | Substantive response 18 Oct 2017 | Due diligence/impunity; excessive force; |
| Lebanon | JAL | 03 Oct 2017 (LBN 2/2017) | 4 male refugees | Response pending translation | Deaths in custody; due diligence/impunity |
| Lebanon | JUA | 02 Nov 2017 (LBN 4/2017) | 1 male | Substantive response 15 Nov 2017 | Death penalty safeguards |
| Libya | OL | 11 Aug 2017 (LBY 3/2017) | Group of migrants | No response | Attacks or killings; attacks or killings by NSA; deaths in custody; due diligence/impunity |
| Malaysia | UA | 23 May 2017 (MYS 4/2017) | 1 male | Substantive response 27 Oct 2017 | Death penalty safeguards |
| Maldives | JAL | 04 May 2017 (MDV 1/2017) | 1 male (blogger, HRD) | No response | Attacks or killings by NSA; death threats; due diligence/impunity |
| Maldives | UA | 20 Jul 2017 (MDV 3/2017) | 3 males; legislation | No response | Death penalty safeguards; legislation |
| Malta | JUA | 18 Oct 2017 (MLT 2/2017) | 1 female (journalist) | Substantive response 20 Oct 2017 | Attacks or killings by NSA; death threats; due |

| | | | | | |
|---|---|---|---|---|---|
| | | | | | diligence/impunity |
| Mauritania | JUA | 22 Dec 2017 (MRT 4/2017) | 1 male (blogger, HRD) | Substantive response 19 Jan 2018 | Death threats |
| Mexico | JAL | 10 Apr 2017 (MEX 2/2017) | 1 female (journalist) | Substantive response 05 Dec 2017 | Attacks or killings by NSA; Due diligence/impunity |
| Mexico | JUA | 18 May 2017 (MEX 3/2017) | 1 female (HRD) | Substantive response 17 Jan 2018 | Attacks or Killings by NSA; death threats; due diligence/impunity |
| Mexico | JOL | 16 Oct 2017 (MEX 5/2017) | Legislation | No response | Due diligence/impunity; excessive force; legislation |
| Mexico | JOL | 11 Dec 2017 (MEX 10/2017) | Legislation | Substantive response 13 Dec 2017; another substantive response 07 Mar 2018 | Due diligence/impunity; excessive force; legislation |
| Mongolia | JOL | 14 Aug 2017 (MNG 1/2017) | Legislation | Acknowledgement of receipt 10 Jan 2018 [13] | N/A (welcoming legislative changes) |
| Myanmar | JUA | 20 Apr 2017 (MMR 2/2017) | 1 male (HRD) | No response | Death threats; |
| Nepal | JAL | 07 Jun 2017 (NPL 1/2017) | 16 males (children, protestors); group of individuals; legislation | No response | Attacks or killings; due diligence/impunity; excessive force; legislation |
| Nicaragua | JUA | 18 May 2017 (NIC 1/2017) | 4 females (HRD, indigenous, persons of African descent) | Substantive response 02 Jun 2017 | Attacks or killings by NSA; death threats; due diligence/impunity |
| Other actors | OL | 08 Aug 2017 (OTH 18/2017) | Group of individuals | Substantive response 19 Oct 2017 | Due diligence/impunity |
| Other actors | JOL | 06 Feb 2017 (OTH 2/2018) | 2 females, 4 males (HRD) | Acknowledgement/ request for extension of reply time 10 Apr 2018 | Death threats |
| Other actors | JUA | 24 Jan 2018 (OTH 3/2018) | 1 male | No response | Death penalty safeguards |

[13] The purpose of this communication was to welcome the Government's decision to abolish the death penalty and did not request a response.

| | | | | | |
|---|---|---|---|---|---|
| Pakistan | JAL | 05 May 2017 (PAK 2/2017) | 1 male | Substantive response 28 Jul 2017 | Attacks or killings by NSA; Due diligence/impunity |
| Pakistan | JUA | 27 Jul 2017 (PAK 5/2017) | 1 male (HRD) | No response | Death threats |
| Pakistan | UA | 08 Sep 2017 (PAK 7/2017) | 1 male | No response | Death penalty safeguards |
| Pakistan | OL | 01 Dec 2017 (PAK 9/2017) | Legislation | No response | Death penalty safeguards; Legislation |
| Peru | JAL | 08 Dec 2017 (PER 8/2017) | Legislation | Acknowledgement of receipt 13 Dec 2017 | Due diligence/impunity |
| Philippines | JUA | 27 Mar 2017 (PHL 5/2017) | 1 female (HRD; politician) | Acknowledgement of receipt 07 Apr 2017 | Deaths in custody; Death penalty safeguards; death threats; due diligence/impunity |
| Philippines | AL | 14 June 2017 (PHL 7/2017) | 1 female, 7 male | Acknowledgement of receipt 19 Jun 2017 | Attacks or killings; attacks or killings by NSA; due diligence/impunity; excessive use of force |
| Philippines | JAL | 19 Jun 2017 (PHL 6/2017) | 4 males | Acknowledgement of receipt 20 Jun 2017; Substantive response 18 Dec 2017 | attacks or killings; due diligence/impunity; excessive force |
| Philippines | JAL | 27 Jul 2017 (PHL 8/2017) | 1 unknown; 8 females; 38 males (HRD, indigenous, labour union organizers) | Substantive response 02 Aug 2017; another substantive response 18 Aug 2017 | Attacks or killings; attacks or killings by NSA; due diligence/impunity; excessive force; |
| Philippines | JOL | 29 Aug 2017 (PHL 11/2017) | Legislation | Substantive response 18 Oct 2017 | Attacks or killings; legislation |
| Philippines | JAL | 02 Oct 2017 (PHL 12/2017) | 1 male (HRD) | No response | attacks or killings; attacks or killings by NSA; death threats; due diligence/impunity |
| Philippines | JAL | 13 Nov 2017 (PHL 13/2017) | 2 female, 34 male | Acknowledgement of receipt 17 Nov 2017 | Attacks or killings; attacks or killings by NSA; excessive force |
| Philippines | JUA | 22 Jan 2018 (PHL 1/2018) | Group of individuals (journalists) | No response | Death threats |

| | | | | | |
|---|---|---|---|---|---|
| Philippines | JUA | 26 Feb 2018 (PHL 2/2018) | 5 females;23 males | Acknowledgement of receipt 05 Mar 2018 | Attacks or killings; attacks or killings by NSA, death threats; due diligence/impunity |
| Romania | JUA | 05 May 2017 (ROU 1/2017) | 21 females; 27 males (persons with a disability) | No response | Deaths in custody; due diligence/impunity |
| Russian Federation | JUA | 13 Apr 2017 (RUS 4/2017) | group of 100 males (LGBTI) | No response | Attacks or killings; deaths in custody; death threats |
| Saudi Arabia | JUA | 28 Jul 2017 (IND 6/2017) | 34 males (protestors, children, person with disabilities) | Substantive response 13 Dec 2017 | Death penalty safeguards |
| Saudi Arabia | JUA | 08 Feb 2018 (SAU 1/2018) | 1 male | Substantive response 22 Mar 2018 | Death penalty safeguards |
| Singapore | UA | 20 Apr 2017 (SGP 1/2017) | 1 male | No response | Death penalty safeguards |
| Singapore | JUA | 18 May 2017 (SGP 2/2017) | 1 male | Substantive response 28 Jun 2017 | Death penalty safeguards |
| South Africa | JAL | 03 Jan 2018 (ZAF 2/2017) | 1 male (HRD) | No response | Attacks or killings by NSA; death threats; due diligence/impunity |
| Spain | JAL | 12 Oct 2017 (ESP 1/2017) | 1 female (HRD, journalist); group of 200 migrants | Substantive response 25 Jan 2018 | Death threats; excessive force; expulsion |
| Sudan | JAL | 13 Feb 2018 (SDN 1/2018) | Group of individuals (HRDs, protestors) | No response | Excessive force |
| Thailand | JAL | 07 Sep 2017 (THA 5/2017) | 1 male | Acknowledgement of receipt 13 Sep 2017; Substantive response 03 Oct 2017 | Deaths in custody |
| Togo | JAL | 19 Feb 2018 (TGO 1/2018) | Group of protestors | Acknowledgement of receipt 20 Feb 2018; Substantive response 09 Apr 2018 | Excessive force |
| Tunisia | JOL | 03 Jan 2018 (TUN 2/2017) | Legislation | No response | Excessive force; legislation |
| Turkey | JAL | 10 Apr 2017 (TUR 3/2017) | Group of 38 individuals (including females and children) | Substantive response 06 Jun 2017 | Attacks or killings; death threats |

| | | | | | |
|---|---|---|---|---|---|
| Turkey | JUA | 01 Jun 2017 (TUR 6/2017) | 2 males; 3 females | Acknowledgement of receipt 21 Jul 2017 | Due diligence/impunity |
| Uganda | JAL | 23 Aug 2017 (UGA 1/2017) | Group of individuals | Substantive response 25 Oct 2017, Annexes 1, 2, 3, 4, 5 to substantive response | Attacks or killings; due-diligence/impunity; excessive force |
| United Arab Emirates | JUA | 24 Mar 2017 (ARE 2/2017) | 1 female (migrant) | Acknowledgement of receipt 20 Apr 2017; Substantive response 25 Apr 2017 | Death penalty safeguards |
| United Arab Emirates | JAL | 28 Jul 2017 (ARE 4/2017) | 5 females; 20 unknown ( children) | No response | Attacks or killings; due diligence/impunity; |
| United Kingdom of Great Britain and Northern Ireland | JAL | 18 Jan 2018 (GBR 8/2017) | 1 female; 14 males (people of African descent) | Substantive response 16 Mar 2018 | Due diligence/impunity; excessive force |
| United Kingdom of Great Britain and Northern Ireland | JOL | 06 Feb 2018 (GBR 2/2018) | 2 females; 4 males (HRD) | Substantive response 30 Apr 2018 | Death threats; due diligence/impunity; |
| United States of America | JUA | 03 Apr 2017 (USA 4/2017) | 8 males | Substantive response 11 Apr 2017 | Death penalty safeguards |
| United States of America | JUA | 03 Jul 2017 (USA 10/2017) | 1 male (person with disabilities) | Substantive response 18 Jul 2017 | Death penalty safeguards |
| United States of America | JAL | 28 Jul 2017 (USA 11/2017) | 5 females; 20 unknown civilians (children) | No response | Attacks or killings; due diligence/impunity |
| United States of America | JUA | 03 Nov 2017 (USA 25/2017) | 1 male | Substantive response 02 Jan 2018 | Death penalty safeguards |
| United States of America | AL | 22 Dec 2017 (USA 29/2017) | 1 male (person of African descent) | Substantive response 23 Apr 2018 | Due diligence/Impunity; excessive force; |

| | | | | | |
|---|---|---|---|---|---|
| United States of America | JUA | 15 Feb 2018 (USA 4/2018) | 1 male | Substantive response 27 Apr 2018 | Death penalty safeguards |
| Uruguay | JUA | 08 May 2017 (URY 1/2017) | 2 males (HRD) | Acknowledgement of receipt 03 Jul 2017; Substantive response 27 Jun 2017 | Death threats; due diligence/ impunity |
| Venezuela (Bolivarian Republic of) | JAL | 26 Apr 2017 (VEN 2/2017) | Group of protestors; Legislation; | Substantive response 10 Jul 2017 | Excessive force; legislation |
| Venezuela (Bolivarian Republic of) | JAL | 28 Feb 2018 (VEN 1/2018) | 1 male | Substantive response 9 Apr 2018 | Excessive force |
| Viet Nam | JUA | 25 Aug 2017 (VNM 5/2017) | 1 male (prisoner) | Acknowledgement of receipt 23 Nov 2017; Substantive response 24 Nov 2017 | Deaths in custody; death threats; due diligence/investigations |
| Yemen | JUA | 24 Jan 2018 (YEM 1/2018) | 1 male | No response | Death penalty safeguards |

**Communications sent outside the reporting period**

| *Country* | *Type of communication* | *Date* | *Subject(s) concerned* | *Reply* | *Violation(s) alleged* |
|---|---|---|---|---|---|
| Egypt | JUA | 24 Feb 2017 (EGY 2/2017) | 12 males | Substantive response 05 Sep 2017 | Death penalty safeguards |
| Iran (Islamic Republic of) | JUA | 28 Dec 2016 (IRN 33/2016) | 3 males | Substantive response on 31 Jan 2017, 10 May 2017, and 11 Jul 2017 | Death penalty safeguards |
| Iran (Islamic Republic of) | JUA | 05 Aug 2016 (IRN 22/2016) | 1 male | Substantive response 08 Aug 2017 | Death penalty safeguards |
| Iraq | JAL | 21 Dec 2016 (IRQ 2/2016) | Unknown | Substantive response 15 Jun 2017 | Attacks or killings |
| Lesotho | JUA | 30 Nov 2015 (LSO 1/2015) | 1 male | Substantive response on 01 Jun 2016 and 08 Sep 2017 | Attacks or killings; death threats |
| Malaysia | UA | 23 Feb 2017 (MYS 1/2017) | 2 males | Substantive response 10 Oct 2017 | Death penalty safeguards |

# IV. Tabulation (B) of cases transmitted to States concerning alleged violations of death penalty safeguards

48. Because of the urgency of the cases brought to his attention, the Special Rapporteur sends many communications concerning the unlawful application of the death penalty.

49. In its resolution 17/5, the Human Rights Council requested the Special Rapporteur in carrying out his mandate "[t]o continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;". In this respect, the Special Rapporteur has included the following table on the status of individuals who were the subject of concern with regard to the application of the death penalty in the present report. He urges all concerned States to provide updated information on the status of the subjects of these urgent appeals.

50. Tabulation (B) provides details on the 31 cases transmitted to Governments with regards to alleged violations of death penalty safeguards, including identity of the individuals concerned, the charges brought against them, the alleged violations of death penalty safeguards, and an update on the current situation of those individuals (whether executions had taken place or not). All death penalty communications are the objects of follow-up to the extent possible. The Special Rapporteur expresses her continued gratitude to various civil society and advocacy organizations that monitor whether an individual has been executed..

## Violations alleged

51. In Tabulation (B) of cases transmitted to States concerning alleged violations of death penalty safeguards, the violations are classified into the following categories:

(a) Fair trial concerns in judicial procedures leading to the imposition of the death penalty;

(b) The imposition of the death penalty for crimes that do not meet the threshold of "most serious crimes";

(c) Extraction of confession under torture;

(d) Sentencing to death or execution of an individual who was a child at time of alleged offense Child at time of offense;

(e) Execution or sentencing to death of a person with intellectual or psychosocial disability ("DP against individual with disability");

(f) Use or proposed use of a method of execution which violates human rights standards ("method of execution");

(g) Concerns about a legislative or policy framework in relation to the death penalty ("Legislation")..

**Tabulation (B)**

| *Country* | *Date appeal sent* | *Date response received* | *Name of individual* | *Charge alleged* | *Violation alleged* | *Status as far as could be established* |
|---|---|---|---|---|---|---|
| Afghanistan | 02/06/2017 | 18/04/2018 | 11 individuals | Terrorism-related offences | Fair trial concerns | Remain at risk |
| Bahrain | 22/05/2017 | 20/07/2017 | Mr. Abbas Al-Samea, Mr. Ali Al-Singace, Mr. Sami Mushaima, Mohammed Ramadan, Husain Ali Moosa | Terrorism-related offences; murder | Extraction of confession under torture; fair trial concerns | Mr. Abbas Al-Samea, Mr. Ali Al-Singace, Mr. Sami Mushaima, were executed on 15/12/2016.* Mr. Mohammed Ramadan and Mr. Husain Ali Moosa remain at risk |
| Bahrain | 07/02/2018 | 06/03/2018 | Mr. Fadhel Sayed Abbas Hassan Radhi<br>Mr. Mohamed AbdulHasan Ahmed AlMutaghawi<br>Mr. Sayed Alawi Husain Alawi Husain | Terrorism-related offences; murder | Extraction of confession under torture; fair trial concerns; not "most serious crimes" | The sentences of Mr. Fadhel Sayed Abbas Hassan Radhi, Mr. Mohamed AbdulHasan Ahmed AlMutaghawi and Mr. Sayed Alawi Husain Alawi Husain were commuted to life imprisonment |
| Bahrain | 14/02/2018 | 13/33/2018 | Mr. Maher al-Khabbaz | Terrorism-related offences; murder | Extraction of confession under torture; fair trial concerns; | Remains at risk |
| Egypt | 15/06/2017 | 23/08/2017 | Mr. Abd Elrahman Attia<br>Mr. Ahmed al-Waleed al-Shal<br>Mr. Basem Mohsen Elkhorieby<br>Mr. Ibrahim Yahia Azab<br>Mr. Khaled Askar<br>Mr. Mahmoud Mamhouh Wahba | Terrorism-related offences; murder | Extraction of confession under torture; fair trial concerns; | Remain at risk |
| Egypt | 12/01/2018 | | Mr. Abdulsalam Shoaib | Terrorism-related | Extraction of | Mr. Loutfy Ibrahim |

* Individuals were executed before the communication was sent

| *Country* | *Date appeal sent* | *Date response received* | *Name of individual* | *Charge alleged* | *Violation alleged* | *Status as far as could be established* |
|---|---|---|---|---|---|---|
| | | | Abdulsalam Shoaib<br>Mr. Ahmed Abdel Hady Mohammed al-Suhaimy<br>Mr. Ahmed Abdel Moneim Salama Ali Salama<br>Mr. Loutfy Ibrahim Ismael Khalil<br>Mr. Sameh Abdallah Mohammed Youssef<br>Ms. Samia Mohamed Dawood Shanan | offences; murder | confession under torture; fair trial concerns; | Ismael Khalil, Mr. Ahmed Abdel Moneim Salama Ali Salama, Mr. Ahmed Abdel Hady Mohammed al-Suhaimy and Mr. Sameh Abdallah Mohammed Youssef were executed on 02/01/2018.*<br><br>Ms. Samia Mohamed Dawood Shanan and Mr. Abdulsalam Shoaib Abdulsalam Shoaib remain at risk. Mr. Tarek Saad Hassan Shanan was found not guilty and released. |
| Indonesia | 29/09/2017 | 10/10/2017 | 14 males including 8 Nigerian nationals | Drug offences | Extraction of confession under torture; fair trial concerns; not "most serious crimes" | Three Nigerian nationals were executed on 29/07/2016.*<br>The other 11 individuals remain at risk. |
| Iran (Islamic Republic of) | 04/04/2017 | 08/08/2017<br>15/03/2018 | Ms. Marjan Davari | spreading corruption on earth | Fair trial concerns; not "most serious crimes" | Remains at risk |
| Iran (Islamic Republic of) | 11/04/2017 | 31/07/2017 | Mr. Reza Karimi | Drug offences; murder | Fair trial concerns; not "most serious crimes" | No updated information available at time of issue |
| Iran (Islamic Republic of) | 18/04/2017 | | Mr. Mehdi Bahlouli<br>Mr. Peyman Barandah | Murder | Child at time of offense; fair trial concerns | Mr. Mehdi Bahlouli is no longer at risk.<br>Mr. Peyman Barandah remains at risk |
| Iran (Islamic Republic of) | 09/08/2017 | 10/10/2017 | Mr. Alireza Tajiki | Murder; forced male to male anal intercourse | Child at time of offense; extraction of confession under | Mr. Alireza Tajiki was executed on 10/08/2017 |

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| | | | | | torture; fair trial concerns | |
| Iran (Islamic Republic of) | 17/10/2017 | | Mr. Amirhossein Pourjafar | Rape; murder | Child at time of offense | Mr. Amirhossein Pourjafar was executed on 04/01/2018 |
| Iran (Islamic Republic of) | 13/11/2017 | | Mr. Ahmadreza Djalali | corruption on the earth | extraction of confession under torture; fair trial concerns; | Remains at risk |
| Iran (Islamic Republic of) | 16/01/2018 | | Mr. Abolfazl Chezani Sharahi | Murder | Child at time of offense | Remains at risk |
| Iran (Islamic Republic of) | 20/02/2018 | 15/03/2018 | Mr. Ramin Hossein Panahi | taking up arms against the state; terrorism-related offences | Extraction of confession under torture; fair trial concerns; | Remains at risk |
| Iraq | 12/05/2017 | | Mr. Bashar Abdullah Mohammed<br>Mr. Marewan Ali Ismail<br>Mr. Neshwan Sabr Ali | Murder | Fair trial concerns; | Remain at risk |
| Lebanon | 02/11/2017 | 15/11/2017 | Mr. Sheikh Ahmad al-Assir | Terrorism-related offences; attack on army | Extraction of confession under torture; fair trial concerns; | Remains at risk |
| Malaysia | 23/05/2017 | 27/10/2017 | Mr. Yong Kar Mun | Armed robbery | Not "most serious crimes" | Mr. Yong Kar Mun was executed on 24/05/2017 |
| Maldives | 20/07/2017 | | Mr. Ahmed Murrath<br>Mr. Hussain Humaam Ahmed<br>Mr. Mohamed Nabeel | Murder | Fair trial concerns | Remain at risk |
| Mongolia | 14/08/2017 | 10/01/2018 | Legislation | | N/A - Welcoming legislative changes | |
| Other actors | 24/01/2018 | | Mr. Hamid Kamali Bin Haydara | Compromising the independence of the Republic of Yemen | Fair trial concerns; not "most serious crimes" | Remains at risk |
| Pakistan | 08/09/2017 | | Mr. Muhammad Iqbal | Murder; robbery | Child at time of offense | Remains at risk |
| Pakistan | 01/12/2017 | | Legislation | | Not "most serious crimes" | |





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| Philippines | 27/03/2017 | | Legislation | | Proposal to re-instate the death penalty | |
| Saudi Arabia | 28/07/2017 | 13/12/2017 | Mr. Abbas al-Abed<br>Mr. Abbas Hassan<br>Mr. Abdulaziz al-Sahawi<br>Mr. Abdullah al-Zaher<br>Mr. Abdullah Hani al-Tarif<br>Mr. Abed al-Rahim Ali al-Faraj<br>Mr. Ahmad Hassan al-Rabee<br>Mr. Albdelkareem al-Hawaj<br>Mr. Ali al-Rabah<br>Mr. Ali Mahmoud Ali Hussein Abed Allah<br>Mr. Ali Mohammed al-Nimr<br>Mr. Amjad al-Muebad<br>Mr. Ashraf Fayyad<br>Mr. Dawood al-Marhoon<br>Mr. Fadel al-Labad<br>Mr. Haydar al-Leif<br>Mr. Hussein al-Rabee<br>Mr. Hussein Abu al-Kheir<br>Mr. Hussein Ali al-Humaidi<br>Mr. Hussein Qassem al-Aboud<br>Mr. Jaber al-Marhoon<br>Mr. Mahdi al-Sayegh<br>Mr. Mekdad Mohamed Hassan al-Nimr<br>Mr. Mohammad Mansour al-Nasser<br>Mr. Mohammed Faisal Mohammed al-Shuyukh<br>Mr. Mohammed Taher Mohammed al-Nimer<br>Mr. Mojtaba Nader Abdullah Suwaiket | Protest-related charges; terrorism-related offences; attack on security forces; espionage | Child at time of offense; fair trial concerns; extraction of confession under torture; fair trial concerns; not "most serious crimes" | Mr. Yousef Musheikhas, Mr. Amjad al-Muebad, Mr. Mahdi al-Sayegh and Mr. Zaher al-Basri were executed on 12/07/2017.*<br><br>Mr. Sheikh Nimr Baqir al-Nimr, Mr. Ali al-Rabah, Mr. Mohammed Faisal Mohammed al-Shuyukh, Mr. Abed al-Rahim Ali al-Faraj, Mr. Mekdad Mohamed Hassan al-Nimr, Mr. Mohammed Taher Mohammed al-Nimer and Mr. Ali Mahmoud Ali Hussein Abed Allah were executed between 2016 and 2017.*<br><br>Mr. Abbas al-Abed, Mr. Abbas Hassan, Mr. Abdulaziz al-Sahawi, Mr. Abdullah al-Zaher, Mr. Abdullah Hani al-Tarif, Mr. Ahmad Hassan al-Rabee, Mr. Albdelkareem al-Hawaj, Mr. Ali Mohammed al-Nimr, Mr. Dawood al-Marhoon, Mr. Fadel al-Labad, Mr. Hussein al-Rabee, Mr. Hussein Abu al-Kheir, Mr. Hussein Ali al-Humaidi, Mr. Hussein Qassem al-Aboud, Mr. Jaber al-Marhoon, Mr. Mohammad |

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| | | | Mr. Munir al-Adam<br>Mr. Mustafa Ahmad Darwish<br>Mr. Salman Amin al-Qureish<br>Mr. Seed Mohammed al-Skafi<br>Mr. Sheikh Nimr Baqir al-Nimr<br>Mr. Yousef Musheikhas<br>Mr. Zaher al-Basri | | | Mansour al-Nasser, Mr. Mohammed Taher Mohammed al-Nimer, Mr. Mojtaba Nader Abdullah Suwaiket, Mr. Munir al-Adam, Mr. Mustafa Ahmad Darwish, Mr. Salman Amin al-Qureish and Mr. Seed Mohammed al-Skafi remain at risk.<br><br>Mr. Ashraf Fayyad and Mr. Haydar al-Leif, are no longer at risk. |
| Saudi Arabia | 08/02/2018 | 22/03/2018 | Mr. Abbas Haiji A. Al-Hassan | Treason; terrorism-related offences | Extraction of confession under torture; fair trial concerns; not "most serious crimes" | Remains at risk |
| Singapore | 20/04/2017 | | Mr. Mohd Jeefrey Bin Jamil | Drug offences | Not "most serious crimes" | Mr. Mohd Jeefrey Bin Jamil was executed on 21/04/2017 |
| Singapore | 18/05/2017 | 28/06/2017 | Mr. Muhammad Ridzuan Bin Md Ali | Drug offences | Not "most serious crimes" | Mr. Muhammad Ridzuan Bin Md Ali was executed on 19/05/2017. |
| United Arab Emirates | 24/03/2017 | 20/04/2017<br>25/04/2017 | Ms. Jennifer Dalquez | Murder | Fair trial concerns | Ms. Jennifer Dalquez was acquitted on 19/06/2017 |
| United States of America | 03/04/2017 | 11/04/2017 | Mr. Bruce Ward<br>Mr. Don Davis<br>Mr. Jack Harold Jones<br>Mr. Jason McGehee<br>Mr. Kenneth Williams<br>Mr. Ledell Lee<br>Mr. Marcel Williams<br>Mr. Stacey Johnson | Murder | Fair trial concerns; method of execution | Mr. Ledell Lee was executed on 20/04/2017.<br><br>Mr. Jack Harold Jones and Mr. Marcel Williams were executed on 24/04/2017.<br><br>Mr. Kenneth Williams was executed on 27/04/2017.<br><br>Mr. Bruce Ward, Mr. Don |





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| | | | | | | Davis and Mr. Stacey Johnson remain at risk.<br><br>Mr. Jason McGehee had his sentence reduced to a life term without parole. |
| United States of America | 03/07/2017 | 18/07/2017 | Mr. William Morva | Murder | DP against individual with disability; fair trial concerns; | Mr. William Morva was executed on 06/07/2017. |
| United States of America | 03/11/2017 | 02/01/2018 | Mr. Ruben Cárdenas Ramírez | Murder | Fair trial concerns | Mr. Ruben Cárdenas Ramírez was executed on 08/11/2017. |
| United States of America | 15/02/2018 | | Mr. Doyle Hamm | Robbery-murder | Fair trial concerns; method of execution | No longer at risk |
| Yemen | 24/01/2018 | | Mr. Hamid Kamali Bin Haydara | Compromising the independence of the Republic of Yemen | Fair trial concerns; not "most serious crimes" | Remains at risk |

**Replies received outside of the reporting period**

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|---|---|---|---|---|---|---|
| Egypt | JUA | 24 Feb 2017 (EGY 2/2017) | Mr. Ahmed Amin Ghazali Amin<br>Mr. Abdul Basir Abdul Rauf<br>Mr. Ahmed Mustafa Ahmed Mohamed<br>Mr. Mahmoud al-Sharif Mahmoud<br>Mr. Mohamed Fawzi Abd al-Gawad Mahmoud<br>Mr. Reda Motamad Fahmy Abd al Monem | Terrorism-related offences | Child at time of offence; ; extraction of confession under torture; fair trial concerns | Mr. Ahmed Amin Ghazali Amin and Mr. Abdul Basir Abdul Rauf remain at risk.<br>Mr. Ahmed Mustafa Ahmed Mohamed, Mr. Mahmoud al-Sharif Mahmoud, Mr. Mohamed Fawzi Abd al-Gawad Mahmoud and Mr. Reda Motamad Fahmy Abd al Monem were granted a re-trial and their death sentences annulled |
| Iran (Islamic Republic of) | JUA | 28 Dec 2016 (IRN 33/2016) | Mr. Himan Ouraminejad<br>Mr. Salar Shadizadi<br>Mr. Vali Yousef Zehi | Murder; drug offenses | Child at time of offense; fair trial concerns; | Mr. Salar Shadizadi and Mr. Himan Ouraminejad are no longer at risk of execution.<br>Mr. Vali Yousef Zehi - No updated information available at time of issue |
| Iran (Islamic Republic of) | JUA | 05 Aug 2016 (IRN 22/2016) | Mr. Barzan Nasrollah Zadeh | Enmity against god; murder | Child at time of offense; fair trial concerns; | Remains at risk. |
| Malaysia | UA | 23 Feb 2017 (MYS 1/2017) | Mr. Suthar Batumalai<br>Mr. B. Rames Batumalai | Murder | Fair trial concerns | Mr. Suthar Batumalai and Mr. B. Rames Batumalai were executed on 15/03/2017 |





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